

REMARKS

The examiner has required restriction to one of the following groups of claims:

- I. Claims 1-13, drawn to a drawer with a tray, classified in class 312, subclass 308.
- II. Claims 14-20, drawn to a tray, classified in class 211, subclass 135.
- III. Claims 21-25, drawn to a method of locking a drawer, classified in class 72, subclass 85.

The examiner has further required election of one of the following species:

- (a) the species of Figs. 1-6;
- (b) the species of Figs. 7-10.

Applicants provisionally elect, with traverse, the claims of Group I and the species of Figs. 1-6, for further prosecution on the merits in this application.

With respect to the restriction requirement, the examiner contends that the claims of Groups I and III are distinct because “the process [of claim 21] can be practiced by a tray sliding in slots in a drawer and not on the wall structure.” Applicants respectfully disagree. If the tray is not sliding on the peripheral wall structure, then it must be sliding on the bottom wall or the partition, because those are the only other parts of the drawer recited in claims 1 and 8. It is not seen how a tray, sliding in slots in the bottom wall and/or the partition could move between open and closed positions respectively uncovering and covering the compartment. Accordingly, it is submitted that the claims of Groups I and III are not distinct and examination should be given on the merits of both. Claims 1-6 and 8-13 read on the elected species and claims 1-5 are generic.

It is noted that claims 7 and 14-25 are withdrawn from consideration as directed to non-elected subject matter.

It is further noted with appreciation that claim 12 has been indicated to contain allowable subject matter. However, the recasting of that claim in independent form is being deferred

pending consideration of this amendment, which is believed to overcome the rejection of the base independent claim.

Claims 1-6, 8-11 and 13 are rejected under 35 U.S.C. §103 as being unpatentable over U.S. patent no. 3,826,550 to Propst et al., in view of U.S. patent nos. 4,010,989 to Klug, 1,134,540 to Kress and 3,587,486 to Heinrichs. Propst et al. discloses a drawer with a tray supported on the upper edges of the drawer sidewalls and having a bottom disposed below those upper edges. Klug discloses a drawer with a partition structure and a cover slidably mounted on the partition structure and one of the drawer sidewalls and being lockable to the drawer front wall. Kress discloses a box-like container with a cover slidably movable to a position underlying a fixed rear cover portion. Heinrichs discloses a desk drawer having fixedly mounted therein a self-contained strong box with a pivoting cover carrying a latch which cooperates with a keeper in the front wall of the strong box.

A significant aspect of the invention is the provision of a drawer with a peripheral wall structure and a partition joining opposed portions of the peripheral wall structure to define a compartment, and a tray mountable on the peripheral wall structure for movement between open and closed positions relative to the compartment and lockable to the partition. In order to more clearly bring out this aspect of the invention, each of the independent claims 1 and 8 has been amended to clarify that the partition is extending across "and joining" opposed portions of the drawer peripheral wall structure. Claim 1 has been further amended to add therein to the subject matter of claim 5, reciting "a lock assembly for locking the tray to the partition." Claim 5 has, accordingly, been canceled.

This arrangement is not disclosed or suggested by the cited art. Klug discloses a slidable cover for closing and unclosing a partitioned compartment in a drawer, but it is not mounted on

the peripheral wall structure of the drawer, rather being supported in part by the partition, nor is it lockable to the partition. Heinrichs does not disclose a tray, nor does it disclose a partition extending across and joining opposed portions of the peripheral wall structure of a drawer. Rather, it discloses a box which is self-contained and fixedly mountable on the bottom wall of the drawer. The examiner treats the sidewalls of the Heinrichs box as corresponding to the claimed "partition", but the box sidewalls do not extend across and join opposed portions of the peripheral wall structure of the drawer. Further, if the box sidewall is the claimed "partition," then there is nothing corresponding to a tray in Heinrichs.

Furthermore, it would not have been obvious to one of ordinary skill in the art to attempt to combine the teachings of the cited references, particularly those of Klug and Heinrichs. One seeking to determine how to support and lock a slidable tray in a drawer would not look to a reference, such as Heinrichs, which deals with a separate, self-contained storage box fixedly mountable in a drawer, nor would that reference teach anything useful regarding mounting and securing slidable trays.

For all of the foregoing reasons, it is believed that, as amended, each of the independent claims 1 and 8 and the claims dependent thereon are patentable over the cited art and, accordingly, allowance of those claims is respectfully asked.

Claim 1 has been additionally amended to refer to a tray "bottom" rather than a bottom wall so as to distinguish from the bottom wall of the drawer.

Claim 2 has been amended to correct an inadvertent error therein.

Claim 6 has been amended to change the dependency thereof in light of the cancellation of claim 5.

Claim 12 has been amended to correct an error therein and to specify that the "tray has a bottom" and to recite that the flange depends below the "bottom of the tray."

In view of the foregoing, it is requested that claims 1-4, 6 and 8-13 be allowed, that claim 7 be allowed in view of the generic nature of claim 1, and that applicants be given an examination on the merits of claims 21-25.

Submitted herewith is a Corrected Supplemental Information Disclosure Statement, providing the dates of the foreign patent documents submitted in the Supplemental Information Disclosure Statement dated July 10, 2002.

Respectfully submitted,

Seyfarth Shaw
Attorneys for Assignee
55 East Monroe Street
Suite 4200
Chicago, Illinois 60603-5803
312-346-8000

By 